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9 UNITED STATES DISTRICT COURT
10 DISTRICT OF OREGON
11 EUGENE DIVISION

12 In The Matter Of:

13 THE COMPLAINT OF MARION
14 COUNTY, as owner and operator of
15 the Ferry BUENA VISTA for
16 Exoneration from or Limitation of
Liability,

17 Petitioner.

IN ADMIRALTY

CASE NO. 6:25-cv-00782

**COMPLAINT FOR
EXONERATION FROM OR
LIMITATION OF LIABILITY**

18 Petitioner Marion County, as owner and operator of the ferry BUENA VISTA, in a
19 cause for exoneration from or limitation of liability, alleges as follows:

20 **I**

21 Petitioner Marion County files this action for exoneration from or limitation of
22 liability under 46 U.S. Code §§ 30501-30530, 28 U.S. Code § 1333, Fed.R.Civ.P. 9(h) and
23 Rule F of the Supplemental Rules for Admiralty and Maritime Claims ("SAR"). Petitioner
24 preserves any and all immunity duly granted to the extent allowed by state and federal law
25 and all jurisdictional defenses.

26 **II**

Petitioner's filing is occasioned by a June 2024 fatal incident on the Willamette River and a related wrongful death suit, with allegations of federal maritime law, filed by plaintiff Melodie Jackson in the Oregon Circuit Court for Marion County. *Marion County Circuit Court Cause No. 25CV10925*.

Both this petition and the Circuit Court case involve the BUENA VISTA, a ferry wholly owned and operated by Marion County near Mile 106 on the Willamette River, south of Salem.

III

The ferry BUENA VISTA, Official Number 1232961, has an overall length of 63 feet. The vessel was, at all material times, and is now located in this district. *Marion County Circuit Court Cause No. 25CV10925*. Venue is proper under SAR F(9).

IV

On June 20, 2024, the BUENA VISTA was operating and underway on the Willamette River. Decedent Jackson was also underway, traveling down the River in a recreational kayak—owned by Jackson's friend or acquaintance, Alex Woolner—and nearing the site of the Buena Vista ferry crossing. Decedent Jackson and Mr. Woolner were on a kayak outing that had originated at the Buena Vista Park, upstream of the ferry. Decedent Jackson perished on the outing after failing to control his watercraft, causing it to drift into the BUENA VISTA and flip over at the ferry crossing.

V

Plaintiff Melodie Jackson first notified Marion County of her claim against the County in a Notice of Tort Claim letter, from her lawyer, dated November 12, 2024. Plaintiff Jackson thereafter filed a civil lawsuit in Marion County Circuit Court, as Personal Representative of the Estate of Jacob Jackson. She identifies Marion County and fellow-kayaker Alex Woolner as defendants in the lawsuit, which includes the following allegations:

At all times mentioned, Dr. Jackson entered the river with the kayak from the ramp at or near the Buena Vista park. He then proceeded to lawfully

1 claims are known or expected.

2 **X**

3 After the June 2024 incident, the BUENA VISTA was surveyed and valued at One
4 Million Three Hundred Twenty-Five Thousand Dollars (\$1,325,000 USD).

5 **XI**

6 Plaintiff Melodie Jackson demands Twenty-Two Million Five Hundred Thousand
7 Dollars (\$22,500,000 USD) in her Circuit Court action. The amount greatly exceeds the value
8 of the ferry BUENA VISTA.

9 **XII**

10 In consequence of Melodie Jackson's allegations of federal maritime law, Petitioner
11 Marion County claims the right to limit its alleged liability to the value of the BUENA
12 VISTA for any and all damages caused by or related to the June 2024 incident. To this end,
13 Petitioner is filing a Letter of Undertaking in the total sum of \$1,325,500, which includes
14 costs of \$500, in accordance with SAR F(1) and LR 1020-2.

15 **XIII**

16 Petitioner denies any and all liability for any loss, damage or injury claimed by
17 Plaintiff/Claimant Melodie Jackson or any other Claimant arising out of the June 2024
18 incident. Petitioner therefore demands exoneration from liability in the event federal
19 maritime law is deemed applicable.

20 **XIV**

21 Petitioner alternatively claims the benefit of limitation of liability under the Limitation
22 of Liability Act, 46 U.S. Code § 30501 *et seq.* in the event federal maritime law is deemed
23 applicable.

24 **XV**

25 WHEREFORE, Petitioner Marion County prays for the following relief:
26
27

1 1. That the Court accept and approve the Letter of Undertaking in the sum of
2 \$1,325,500 as security for the value of the BUENA VISTA vessel and \$500 costs, with
3 interest at 6% per annum from the date of filing, as required under SAR F(1) and LR 1020-2.

4 2. That the Court enter an Order directing the issuance of a Monition to all persons
5 claiming damages for any and all loss or damage occasioned or incurred by or resulting from
6 the June 2024 incident, citing such persons to appear before this Court to file their claims,
7 serve on the Attorneys for Marion County a copy thereof on or before a date to be given,
8 answer the allegations of this Complaint or forever be barred from making or otherwise
9 pursuing any such claims against Petitioner, its agents, representatives, crew or any other
10 person on whose behalf Petitioner may be liable or against the BUENA VISTA, all as
11 provided by law and the Supplemental Rules for Admiralty and Maritime Claims and the rules
12 of this Court.

13 3. That the Court cause to be issued in the WOODBURN INDEPENDENT public
14 notice to all persons of such Monition according to SAR F(4) and LR 1050-1.

15 4. That the Court issue an injunction against the institution and further prosecution of
16 any suits, actions or legal proceedings of any nature or description whatsoever, except in this
17 proceeding, against Petitioner, its agents, representatives, crew or any other person on whose
18 behalf Petitioner may be liable in respect to any claims arising out of or in connection with the
19 June 2024 incident.

20 6. That Marion County be found not liable for any loss or damage for any claim
21 whatsoever in any way arising out of or in consequence of the June 2024 incident and
22 therefore, that Marion County is entitled to exoneration from any and all liability which has
23 been claimed against it in the event federal maritime law is deemed applicable.

24 7. Alternatively, if Petitioner is adjudicated liable and the claims are affirmatively
25 proven, that such liability be limited to the amount of the value of Petitioner's interest in the
26 BUENA VISTA and that the money paid or secured be divided pro rata among such claimants
27 as they may duly prove their claims before this Court under the Limitation of Liability Act, 46

1 U.S. Code § 30501 *et seq.*, and SAR F, and that a decree be entered discharging Petitioner and
2 its vessel, the BUENA VISTA, from all further liability.

3 8. That Marion County be granted such further relief as the Court deems just and
4 equitable under the circumstances.

5 DATED this 9th day of May, 2025.

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